

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>	
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>	
<b>SIXTO E. DIAZ, a/k/a "Papo"</b>	<b>:</b>	<b>VIOLATIONS:</b>	<b>21 U.S.C. § 841(a)(1)</b> <b>(Distribution of cocaine</b> <b>base ("crack") - 4 counts)</b> <b>21 U.S.C. § 860</b> <b>(Distribution of cocaine</b> <b>base ("crack")</b> <b>within 1,000 feet of a</b> <b>school - 3 counts)</b> <b>21 U.S.C. § 841(a)(1)</b> <b>(Possession with intent to</b> <b>distribute cocaine base</b> <b>("crack") - 1 count)</b> <b>21 U.S.C. § 853</b> <b>(Notice of criminal</b> <b>forfeiture)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 3, 2002, at Allentown, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a "Papo"**

knowingly and intentionally distributed more than five grams, that is, approximately 24.6 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 3, 2003, at Allentown, Pennsylvania, in the Eastern  
District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally distributed more than five grams, that is, approximately 24.6 grams,  
of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II  
controlled substance, within 1,000 feet of the real property comprising the Sheridan Elementary  
School, a public elementary school located at 521 North 2<sup>nd</sup> Street, Allentown, Pennsylvania, in  
violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 9, 2002, at Allentown, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally distributed more than five grams, that is, approximately 26.5 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT FOUR**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 9, 2003, at Allentown, Pennsylvania, in the Eastern  
District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally distributed more than five grams, that is, approximately 26.5 grams,  
of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II  
controlled substance, within 1,000 feet of the real property comprising the Sheridan Elementary  
School, a public elementary school located at 521 North 2<sup>nd</sup> Street, Allentown, Pennsylvania, in  
violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 10, 2003, at Allentown, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally distributed more than five grams, that is, approximately 19.6 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 10, 2003, at Allentown, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally distributed more than five grams, that is, approximately 19.6 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Sheridan Elementary School, a public elementary school located at 521 North 2<sup>nd</sup> Street, Allentown, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 15, 2004, at Allentown, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally distributed more than five grams, that is, approximately 19.2 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 23, 2004, at Allentown, Pennsylvania, in the Eastern  
District of Pennsylvania, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

knowingly and intentionally possessed with intent to distribute in excess of 50 grams, that is,  
approximately 67 grams, of a mixture or substance containing a detectable amount of cocaine  
base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).



### **NOTICE OF CRIMINAL FORFEITURE**

1. As a result of the violations of Title 21, United States Code, Sections 846, 841(a)(1) and 860(a) charged in this Indictment, defendant

**SIXTO E. DIAZ,  
a/k/a “Papo”**

shall forfeit to the United States of America pursuant to Title 21, United States Code, Section 853, the following property:

(A) Any property which defendant used in any manner or part to facilitate the commission of the violations of Title 21, United States Code as charged in this Indictment; and

(B) Any property which constitutes and/or is derived from proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code as charged in this Indictment.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendant:

- (1) cannot be located upon the exercise of due diligence;
  - (2) has been transferred or sold to, or deposited with, a third party;
  - (3) has been placed beyond the jurisdiction of the court;
  - (4) has been substantially diminished in value; or
  - (5) has been commingled with other property
- which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to

seek forfeiture of any other property of the defendant.

All pursuant to Title 21, United States Code, Section 853.

***A TRUE BILL:***

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**